

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1790 – HB 1932

February 9, 2022

SUMMARY OF BILL: Enacts regulations surrounding a newborn safety device as a means of surrendering a newborn infant. Expands the period a newborn infant may be surrendered from 2 weeks or younger to 30 days or younger. Allows for either parent of the newborn infant to voluntarily surrender the child. Ensures that the parent of the newborn infant has the right to remain anonymous and not be pursued. Removes the provision that prohibits prosecution of a mother's act of voluntarily delivering her unharmed infant to a facility. Requires that a facility that accepts a surrendered newborn infant to first take the infant to the nearest hospital emergency room and then requires that the hospital immediately notify the Department of Children's Services (DCS).

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The implementation of the proposed legislation would not mandate that facilities insert newborn safety devices, but rather creates regulations regarding the devices that have or will be installed.
- Tennessee Code Annotated § 68-11-255(a)(3) states that only a mother can voluntarily surrender her infant of two weeks or younger. However, the proposed legislation alters that to allow either parent to voluntarily surrender an infant of 30 days or younger.
- The proposed legislation changes the process taken by a facility after an infant is surrendered from being required to contact DCS within 24 hours of receiving the infant to assume custody, to the facility being required to immediately take the infant to the nearest emergency room where DCS is immediately called to assume custody.
- Removing the provision that prohibits prosecution of a mother's act of voluntarily delivering her unharmed infant to a facility is not suspected to result in a significant increase in prosecutions, as this legislation further details the anonymity requirements of such facilities, as well as establishes that the parent is not to be considered to have criminally endangered the newborn unless indicators of child abuse or child neglect are present.
- Any change to procedures or regulations will have no fiscal impact to DCS.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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